

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALLEN BOYD, et al.,

Plaintiffs,

vs.

CASA NORTE APARTMENT, et al.,

Defendants.

Case No. 2:13-cv-00332-JCM-PAL

REPORT OF FINDINGS AND
RECOMMENDATION

This matter is before the court on Plaintiffs Allen and Nikci Boyd's failure to comply with the court's Order (Dkt. #2) entered March 5, 2013. Instead of filing separate Applications, Plaintiffs filed only one incomplete Application to Proceed In Forma Pauperis (Dkt. #1) on February 27, 2013. The court could not determine whether Plaintiffs qualified to proceed in forma pauperis. On March 5, 2013, the court entered an Order denying Plaintiffs' Application without prejudice, directing the Clerk of Court to mail Plaintiffs two new applications, and allowing Plaintiffs to file their completed applications or pay the \$350.00 filing fee on or before April 3, 2013. *See* Order (Dkt. #2). The Order advised Plaintiffs that failure to comply would result in a recommendation to the district judge for dismissal. Plaintiffs have not complied or requested an extension of time in which to comply.

On April 2, 2013, Plaintiffs filed a new Application to Proceed In Forma Pauperis (Dkt. #3) and an Amended Complaint (Dkt. #4), both of which purportedly contain both Plaintiffs' signatures. The signatures look remarkably similar and the complaint accuses the Plaintiff husband of participating in fraudulent conduct involving tenancy at proposed Defendant "Casa Monte Apartments" to assist his sister because he is an alcoholic who will do favors for money for alcohol. The court seriously questions whether Allen Boyd has consented to be named in a complaint which alleges he committed fraud, and is entitled to damages for participating in fraud. In any event, Plaintiff(s) has/have not complied with the court's Order (Dkt. #2).

1 Accordingly,

2 **IT IS RECOMMENDED** that Plaintiffs' Application to Proceed In Forma Pauperis (Dkt. #3)
3 be DENIED and this action be DISMISSED without prejudice.

4 Dated this 3rd day of June, 2013.

5 
6 PEGGY A. LEEN
7 UNITED STATES MAGISTRATE JUDGE

8 **NOTICE**

9 These findings and recommendations are submitted to the United States District Judge assigned
10 to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being
11 served with these findings and recommendations, any party may file written objections with the court.
12 Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and
13 recommendations of a magistrate judge shall file and serve *specific written objections* together with
14 points and authorities in support of those objections, within fourteen days of the date of service of the
15 findings and recommendations. The document should be captioned "Objections to Magistrate Judge's
16 Findings and Recommendations." The parties are advised that failure to file objections within the
17 specified time may waive the right to appeal the District Court's Order. *Martinez v. Ylst*, 951 F.2d 1153
18 (9th Cir. 1991). The points and authorities filed in support of the specific written objections are subject
19 to the page limitations found in LR 7-4.
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